

OPINION  
55-16

March 17, 1955 (OPINION)

CATTLE

RE: Brucellosis Test - Procedure to Enforce Testing

This will acknowledge receipt of your letter of March 15, 1955, presenting the following problem and asking for your opinion thereon. Some fifteen years ago your office was legally petitioned to conduct a brucellosis test in a certain county and since that time your office has made tests and has had this county under continuous supervision for the purpose of eradicating this disease. You now state that certain cattle owners are refusing to cooperate in having their cattle tested. The question you specifically ask is this: "Can we enforce the testing of cattle in such counties and continue to do so until the disease is eradicated on the one original but legal petition?"

Section 36-1515 of the North Dakota Revised Code of 1943 provides for the enforcement of testing of all cattle within a county even though a petition therefor has not been filed when (1) It has been determined by your board that the cattle in the majority of the townships in the county have been tuberculin tested, or (2) For Bang's disease, when seventy-five percent or more of the townships in the county have been completely Bang's tested. I am quoting this section for the reason that you state that there has been a continuous testing going on in this kind of a county and it may be that you can qualify for a mandatory testing under the provisions of this section. If this section does not apply to the work you are now performing in such county, it is the opinion of this office that when you have been legally petitioned to eradicate the brucellosis disease in any county and have had the said county under continuous supervision and testing for a number of years, that you can enforce the mandatory provisions of the testing until your department determines that the disease has been eradicated from this county.

LESLIE R. BURGUM

Attorney General